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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/770,320	01/26/2001	Alan West	218.1005	7520
7590	10/14/2004			EXAMINER HUYNH, BA
Cary S. Kappel DAVIDSON, DAVISON & KAPPEL, LLC 14th Floor 485 Seventh Avenue New York, NY 10018			ART UNIT 2179	PAPER NUMBER
DATE MAILED: 10/14/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/770,320	WEST ET AL.	
	Examiner	Art Unit	
	Ba Huynh	2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 5-7,21-28,30-32,34-36,39-46,48-50,55-57,71-76 and 90 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 5-7,21-28,30-32,34-36,39-46,48-50,55-57,71-76 and 90 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Allowable Subject Matter

1. The indicated allowability of claims 5-7, 21-28, 30-32, 34-36, 39-46, 48-50, 55-57, 71-76, and 90 is withdrawn in view of the following newly discovered reference(s). Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 7, 21-26, 28, 32, 36, 39-46, 50, 57, 71-76 are rejected under 35 U.S.C. 102(e) as being anticipated US patent #6,384,849 (Morcos et al).

- As for claims 7, 57: Morcos et al teach a computer implemented method and corresponding system for generating menu/toolbar entities on a graphical user interface (figs. 2, 3, 5, 7), comprising the steps/means for providing an application which can be displayed in a frame 200 of a GUI (i.e., the application window) the application having a corresponding set of menu/toolbar entities 210, 220, 225, the application being in one of application states at any given time (merged state (13:49-52); activated or in focus (13:65-67)), information indicative of an application state

characteristic for each application state being contained in a data file, each application state characteristic defines a display characteristic for at least one set of menu/toolbar entities (14:1-24), and generating a display set of menu/toolbar entities on the GUI (figs. 2, 3, 5, 7), wherein the display characteristic is one of enabled and disabled menu/toolbar entity (see explanation of fig. 11). The application states include a plurality of states (merged state (13:49-52); activated or in focus (13:65-67), acting as a container or server (14:1-4)) and a plurality of state-parts (e.g., active and acting as a container, active and acting as a server (14:1-4)). At any given time, the application can be in an active or inactive state, and can be in a container or a server state-part (14:1-4).

- As for claims 21-23, 25-26, 46, 50, 71, 72: Morcos et al teach a computer implemented method and corresponding system for generating menu/toolbar entities on a graphical user interface having a parent frame for displaying menu/toolbar items (figs. 2, 3, 5, 7) and a plurality of child frames (4:53-63; 5:59-62; 13:25-57), comprising the steps/means for providing a set of applications which can be displayed in the child frames (5:59-62; 13:25-57), each application having a corresponding set of menu/toolbar entities (4:53-63; 13: 24, “Command Bar Merging”), information indicative of a policy for each of the menu/toolbar entity being contained in a data file (9:23-26; 14:1-32), each of the applications being in one of application states at any given time (merged state (13:49-52); activated or in focus (13:65-67)), information indicative of an application state characteristic for each application state being contained in a data file, each application state characteristic defines a display

characteristic for at least one set of menu/toolbar entities (14:1-24), and generating a display set of menu/toolbar entities on the GUI (figs. 2, 3, 5, 7) based on the policy of the menu/toolbar entity for a currently focused one of the applications, wherein the policy include replace policy and append policy (i.e., donated/merged or removed), each menu/toolbar entity having an ID (9:26-35, 63-67), comparing the ID of menu/toolbar entities to the ID of a current set of menu/toolbar entities (10:50-54; 14:7-14) and replacing the matched menu/toolbar entity of the current set with the matched menu/toolbar entity of the set gaining focus (14:37-39), or adding the matched menu/toolbar entity to the set (14:40-56).

- As for claims 24, 28, 39-44, 73-76: Morcos et al teach a computer implemented method and corresponding system for generating menu/toolbar entities on a graphical user interface having a parent frame for displaying menu/toolbar items (figs. 2, 3, 5, 7) and a plurality of child frames (4:53-63; 5:59-62; 13:25-57), comprising the steps/means for providing a set of applications which can be displayed in the child frames (5:59-62; 13:25-57), each application having a corresponding set of menu/toolbar entities (4:53-63; 13: 24, “Command Bar Merging”), information indicative of a policy for each of the menu/toolbar entity being contained in a data file (9:23-26; 14:1-32), each of the applications being in one of application states at any given time (merged state (13:49-52); activated or in focus (13:65-67)), information indicative of an application state characteristic for each application state being contained in a data file, each application state characteristic defines a display characteristic for at least one set of menu/toolbar entities (14:1-24), and generating a

display set of menu/toolbar entities on the GUI (figs. 2, 3, 5, 7) based on the policy of the menu/toolbar entity for a currently focused one of the applications, wherein the policy include merge policy, replace policy and append policy (i.e., donated, merged or removed. 14:15-50), each menu/toolbar entity having an ID (9:26-35, 63-67; 10:43-44), comparing the ID of menu/toolbar entities to the ID of each menu/toolbar in a current set of menu/toolbar entities (10:50-54; 12:50-52; 14:7-14) and replacing the matched menu/toolbar entity of the current set with the matched menu/toolbar entity of the set gaining focus (14:37-39), or adding the matched menu/toolbar entity to the set (14:40-56).

- As for claims 32, 36: Morcos et al teach a computer implemented method and corresponding system for generating menu/toolbar entities on a graphical user interface having a parent frame for displaying menu/toolbar items (figs. 2, 3, 5, 7) and a plurality of child frames (4:53-63; 5:59-62; 13:25-57), comprising the steps/means for providing a set of applications which can be displayed in the child frames (5:59-62; 13:25-57), each application having a corresponding set of menu/toolbar entities (4:53-63; 13: 24, “Command Bar Merging”), information indicative of a policy for each of the menu/toolbar entity being contained in a data file (9:23-26; 14:1-32), each of the applications being in one of application states at any given time (merged state (13:49-52); activated or in focus (13:65-67)), information indicative of an application state characteristic for each application state being contained in a data file, each application state characteristic defines a display characteristic for at least one set of menu/toolbar entities (14:1-24), and generating a display set of menu/toolbar entities

on the GUI (figs. 2, 3, 5, 7) based on the policy of the menu/toolbar entity for a currently focused one of the applications, the application states include a plurality of states (merged state (13:49-52); activated or in focus (13:65-67), acting as a container or server (14:1-4)) and a plurality of state-parts (e.g., active and acting as a container, active and acting as a server (14:1-4)). At any given time, the application can be in an active or inactive state, and can be in a container or a server state-part (14:1-4).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5, 6, 27, 30, 31, 34, 35, 48, 49, 55, 56, and 90 rejected under 35 U.S.C. 103(a) as being unpatentable over US patent #6,384,849 (Morcos et al).

- As for claims 5, 55: Morcos et al teach a computer implemented method and corresponding system for generating menu/toolbar entities on a graphical user interface (figs. 2, 3, 5, 7), comprising the steps/means for providing an application which can be displayed in a frame 200 of a GUI (i.e., the application window) the application having a corresponding set of menu/toolbar entities 210, 220, 225, the application being in one of application states at any given time (merged state (13:49-52); activated or in focus (13:65-67), acting as a container or server (14:1-4)), information indicative of an application state characteristic for each application state

being contained in a data file, each application state characteristic defines a display characteristic for at least one set of menu/toolbar entities (14:1-24), and generating a display set of menu/toolbar entities on the GUI (figs. 2, 3, 5, 7), wherein the display characteristic is one of enabled and disabled menu/toolbar entity (see explanation of fig. 11). Morcos fails to clearly teach that the data file comprises information having a text format of <state><property>=<item, item, item...>, however clearly suggested in 14:1-24 that the application maintains state information (“state specification”) and the number of active (“enabled property”) GUI elements (“items”) at each application state. Thus it would have been obvious to one of skill in the art, at the time the invention was made and in light of Morcos disclosure, to implement the data file having the text format of <state><property>=<item, item, item...> to Morcos.

Motivation of the implementation is suggested by Morcos as set forth above.

- As for claims 6, 31, 35, 49, 56: The menu/toolbar entities include menu items and toolbar items (figs. 2, 3, 5, 7).
- As for claims 27, 45: Morcos fails to clearly teach the creating of a Java container, however discloses that the second application can be an embedded application. This teaching suggests the implementation of an embedded Java applet which is well known in the art. The embedded Java applet when activated, creates a Java container. The Java container can also be destroyed or in focus.
- As for claims 30, 34, 48, 90: Morcos et al teach a computer implemented method and corresponding system for generating menu/toolbar entities on a graphical user interface having a parent frame for displaying menu/toolbar items (figs. 2, 3, 5, 7) and

a plurality of child frames (4:53-63; 5:59-62; 13:25-57), comprising the steps/means for providing a set of applications which can be displayed in the child frames (5:59-62; 13:25-57), each application having a corresponding set of menu/toolbar entities (4:53-63; 13: 24, “Command Bar Merging”), information indicative of a policy for each of the menu/toolbar entity being contained in a data file (9:23-26; 14:1-32), each of the applications being in one of application states at any given time (merged state (13:49-52); activated or in focus (13:65-67)), information indicative of an application state characteristic for each application state being contained in a data file, each application state characteristic defines a display characteristic for at least one set of menu/toolbar entities (14:1-24), and generating a display set of menu/toolbar entities on the GUI (figs. 2, 3, 5, 7) based on the policy of the menu/toolbar entity for a currently focused one of the applications, wherein the policy include replace policy and append policy (i.e., donated/merged or removed), each menu/toolbar entity having an ID (9:26-35, 63-67), comparing the ID of menu/toolbar entities to the ID of a current set of menu/toolbar entities (10:50-54; 14:7-14) and replacing the matched menu/toolbar entity of the current set with the matched menu/toolbar entity of the set gaining focus (14:37-39), or adding the matched menu/toolbar entity to the set (14:40-56). Morcos fails to clearly teach that the data file comprises information having a text format of <state><property>=<item, item, item...>, however clearly suggested in 14:1-24 that the application maintains state information (“state specification”) and the number of active (“enabled property”) GUI elements (“items”) at each application state. Thus it would have been obvious to one of skill in the art, at

the time the invention was made and in light of Morcos disclosure, to implement the data file having the text format of <state><property>=<item, item, item...> to Morcos. Motivation of the implementation is suggested by Morcos as set forth above.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ba Huynh whose telephone number is (703) 305-9794. The examiner can normally be reached on Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (703) 308-5186. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ba Huynh
Primary Examiner
AU 2179
10/11/04

BA HUYNH
PRIMARY EXAMINER